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Counsel for the United States

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

CHRIS DOHNAL,

Plaintiff,

v.

UNITED STATES OF AMERICA.,

Defendants.

Case No. 3:22-cv-00529-MMD-CLB

ORDER GRANTING

**Motion to Extend Time to File an
Answer (First Request)**

The United States of America, through undersigned counsel, respectfully moves this Court for an order extending by sixty days, to April 4, 2023, the time in which it must respond to plaintiff's complaint. In support of its motion, the United States asserts as follows:

1. The United States Attorney for the District of Nevada was served with the summons and complaint in this action on December 5, 2022.

2. The Attorney General of the United States was served with the summons and complaint in this action on December 8, 2022.

3. The general rule, which applies here, is the United States, its officers, and its employees normally receive 60 days in which to file an answer or otherwise plead. Fed. R. Civ. P. 12(a)(2); 28 U.S.C. § 2410(b).

4. In this case, the government's response is due on February 3, 2023.

1 5. The additional sixty days is necessary for the Internal Revenue Service counsel to
2 locate the material necessary for the United States to respond to the complaint and defend its
3 interests. This motion is not being made for delay, but to permit the United States to prepare a
4 substantive, cogent, and accurate response which would advance this litigation.

5 6. Both the Federal and local civil rules authorize this Court to grant, for good cause,
6 an extension of time in which to answer or otherwise plead. Fed. R. Civ. P. 6(b); LR IA 6-1.

7 7. In moving for an extension of time, the United States does not waive any defenses
8 listed in Fed. R. Civ. P. 12(h).

9 For these reasons, the United States requests that its motion for an extension of time be
10 granted, and that it be given until and including April 4, 2023, in which to serve its response to
11 plaintiffs' complaint.

12
13 Dated: January 24, 2023.

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15 DAVID A. HUBBERT
16 Deputy Assistant Attorney General

17 /s/ Kenton McIntosh
18 KENTON MCINTOSH
19 Trial Attorney, Tax Division
20 U.S. Department of Justice

21 **IT IS SO ORDERED.**

22 **DATED:** January 24, 2023
23 _____

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25 _____
26 UNITED STATES MAGISTRATE JUDGE
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